

BOARD OF DESIGN REVIEW MINUTES

January 25, 2001

CALL TO ORDER: Chairman Walter Lemon III called the meeting to order at 6:32 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Chairman Walter Lemon III; Board Members Hal Beighley, Anissa Crane, Monty Edberg, Ronald Nardoza, Ashetra Prentice and Stewart Straus.

Senior Planner John Osterberg, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Lemon read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

NEW BUSINESS:

PUBLIC HEARINGS:

A. BDR 99-00231 -- HOME DEPOT TYPE 3 DESIGN REVIEW

Request for Design Review approval of a proposed commercial project, including a new approximately 105,500 square foot commercial building, a 14,700 square foot garden center, a 194 space parking structure, sidewalks and associated landscaping on approximately 7.82 acres of land located at 5150 SW Western Avenue. The development proposal is located on Assessor's Map 1S1-14CB, Tax Lots 1000 and 1100, and is zoned Campus Industrial (CI), with a Development Control Area (DCA) overlay district.

Senior Planner John Osterberg observed that the applicant has requested a continuance until March 8, 2001.

Mr. Beighley **MOVED** and Mr. Straus **SECONDED** a motion that BDR 99-00231 – Home Depot Type 3 Design Review be continued to a date certain of March 8, 2001.

The question was called and the motion **CARRIED**, unanimously.

OLD BUSINESS:**CONTINUANCES:**

Chairman Lemon opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

A. BDR 2000-0048 -- "THE HOOP" MODIFICATION OF CONDITIONS OF APPROVAL TYPE 3 DESIGN REVIEW

(Continued from January 11, 2001)

Request for Design Review approval to modify Condition of Approval No. 20 of the original Design Review Application (BDR 96-0101) in which the Planning Director set a specific minimum parking space requirement intended to accommodate the customers and employees of "The Hoop" facility as approved in 1996. The applicant now proposes to have additional recreation uses at "The Hoop", including dances, and therefore proposes to modify Condition of Approval No. 20 to be consistent with the proposed recreational uses. The site is located at 9685 SW Harvest Court and is located on Assessor's Map 1S1-14CD, Tax Lot 200. The site is zoned Campus Industrial (CI) and is approximately 5.16 acres in size.

Chairman Lemon pointed out that the purpose of tonight's meeting involves the decision-making process only, emphasizing that there is no new Staff Report and that public or applicant testimony would not be accepted. He stated that all parties should have received additional information during the past week, adding that this basically consists of a series of letters submitted by the public and responses from the applicant.

Observing that he had reviewed the recommended Conditions of Approval, Mr. Edberg stated that they appear to be reasonable and questioned whether the noise standards for the City of Beaverton meet the standards established by the Department of Environmental Quality (DEQ).

Chairman Lemon advised Mr. Edberg that staff has indicated that City standards and DEQ standards for noise levels are the same.

Mr. Edberg expressed his opinion that there might be a benefit to installing additional signage encouraging consideration of the neighbors by patrons of "The Hoop".

Mr. Straus expressed his opinion that additional signage would not be an appropriate method for addressing any issues of concern to the neighbors,

emphasizing that the applicant would need to determine other methods for enforcement.

Mr. Nardozza stated that he has reviewed the information and has no questions.

Mr. Straus expressed his opinion that the Conditions of Approval address the issues, adding that the applicant should be provided with the opportunity to manage the situation.

Referring to Condition of Approval No. 2, Ms. Crane suggested that the lights be shielded from the northeast as well as from the east.

Ms. Prentice observed that she has reviewed the proposed Conditions of Approval and has no questions at this time.

On question, Mr. Osterberg advised Mr. Beighley that the hours included are the original hours of operation for the basketball facility, adding that his intent had been not to specify special or unique hours other than those currently allowed.

Mr. Lemon discussed the decision-making authority of the Board of Design Review as established by the City Council, questioning whether verbal agreements made by the applicant become a part of the land use order.

Mr. Osterberg advised Mr. Lemon that verbal agreements and documents submitted by the applicant only become a part of the land use order if included within the Conditions of Approval.

Mr. Straus suggested that a specific protocol for noise testing, as established by DEQ standards, be attached to the land use permit.

Mr. Lemon pointed out that the Board does have the authority for control over certain items, observing that "in relationship to the existing surroundings and future allowed uses, the location, size, shape, height and spatial and visual arrangements of the uses and structures are compatible, with consideration given to the increased setbacks, building heights, shared parking, common driveways and similar consideration." He expressed his opinion that this indicates that the use of the project must be compatible with the existing surroundings. He stated that it is also necessary "that there is a desirable, efficient and workable interrelationship among buildings, parking, loading areas, circulation, open spaces, landscaping and related activities and uses on the site." He stated that based upon these requirements, he feels that it is necessary to impose the proposed additional Conditions of Approval.

Mr. Straus **MOVED** and Mr. Beighley **SECONDED** a motion to approve BDR 2000-0048 – "The Hoop" Modification of Conditions of Approval No. 20 Type 3 Design Review, based upon the testimony, reports and exhibits presented during

the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated December 7, 2000, as modified by Staff Memorandum dated January 18, 2001, including Conditions of Approval Nos. 1 – 6, dated January 25, 2001, with the following modification to Condition of Approval No. 2:

2. The wall light fixtures located on the side of The Hoop and the Creative Gymnastics buildings that face the residential neighborhood shall be shielded or disconnected so that, as seen from the fence line of the **adjacent residential** properties ~~to the east~~, the light sources are screened from view in accordance with Condition 13 of BDR 95006/TPP 95002/855 dated April 26, 1995.

and including a protocol for noise testing.

The question was called and the motion **CARRIED**, with the exception of Ms. Prentice, who abstained from voting on this issue.

APPROVAL OF MINUTES:

The minutes of December 14, 2000, as written, were submitted. Chairman Lemon asked if there were any changes or corrections. Mr. Beighley **MOVED** and Mr. Straus **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED**, with the exception of Mr. Beighley, Mr. Nardoza and Ms. Prentice, who abstained from voting on this issue.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 7:57 p.m.